

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

TIMOTHY DYKENS,)
Petitioner,)
v.) Civil Action No. 04-10544-NMG
PETER ALLEN,)
Respondent,)

PETITIONERS AFFIDAVIT IN SUPPORT

OF MOTION FOR RECONSIDERATION

Now comes the Petitioner and by the way of Affidavit
states as follows:

1. My name is Timothy Dykens, I am currently housed at MCI Cedar Junction in Walpole.
2. Petitioner never received the Memorandum and Order from the Court filed on June 17, 2005 by Judge N.M. Gordon.
3. Petitioner never received the other ruling from the Court regarding the Denial of Appointment of Counsel on July 8, 2004.
4. Petitioner states that if he received this Order he never would have submitted Motion 10 to Stay Proceedings Until Counsel is Assigned on January 1, 2005.
5. In the past Petitioner has had to have Attorneys call prison Officials about legal mail not being delivered to him.

6. As to the best of my knowledge there have been numerous investigations by the Internal Perimeter Security staff and other departments into Correctional Officers Destroying, Confiscating, and stealing inmate mail, legal or otherwise. Some resulting in Disciplinary action being taken against Officers.

7. Petitioner also states that if he received Memorandum and Order dated June 17, 2005 he would've corrected the errors in the time set forth by the Court. Petitioner had no reason not to do as the Court directed.

8. Petitioner also states that he did not receive the Memorandum and Order dated August 3, 2005 until 26 August 2005. And promptly started on his Motion for Reconsideration.

SIGNED UNDER THE PAINS
AND PENALTIES OF PERJURY

DATED 09-01-05

Timothy G. Dykens

TIMOTHY G. DYKENS
PO BOX 100
MCI CEDAR JUNCTION
S. WALPOLE MA. 02071